

September 17, 2008

## TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on September 10, 2008 and recommends the following motions:

1. Communication from Supervisor Steve Fewell re: To request that the putt-putt golf course be removed from the area in front of the Veterans Memorial as it blocks the view of the Veterans Memorial. (Referred from August County Board.) Receive & place on file.
2. Communication from Supervisor Steve Fewell re: Review and make update to the Brown County Code 30.07 relating to charges for Sheriff's Department Patrol Division. (Referred from August County Board.) Have Administration direct the Sheriff to follow the codes or have Corporation Counsel bill them for services provided and have it disclosed as to how much money the County would have been able to charge to date for 2008.
3. Discussion and possible action on extension for two years of Labor Negotiator contract with Don VanderKelen for Brown County. Approve.
4. Review of Packer Lease Agreement. Ask the County Executive to name a committee including Supervisor Zima and three other County Board members to approach the Green Bay Packers at a meeting and see if they will in good faith, honor the three percent per year increase.
5. Review of our County Board rules re: Special meetings. Refer to Attorney Fred Mohr to review a time for reconsideration, what defines a major issue and what the due diligence time should be required for a major issue and to review what constitutes an emergency addition to the agendas.
6. Communication from Supervisor Pat Evans: Request representatives from Selmer, Boldt and Administration (facilities and purchasing) at the meeting. Discussion about the bidding process for a Construction Manager at Risk and what Administration's position is on a Construction Manager at Risk. Responsibilities of Selmer & Boldt as it relates to their position as a Construction Manager at Risk (financial/budget of project, construction and time lines.) Receive and place on file.
7. Communication from Supervisor Carole Andrews re: Could the Board explore different procedural formats when considering new ordinances to allow for greater public input. (From previous meeting for more information.) Receive and place on file.
- 7a Discussion of Corporation Counsel Office need for staff and/or outside legal services and the formulation of policy requiring administration to budget and get approval of Executive Committee and County Board for the use of outside legal services. Refer to Attorney Mohr to get a policy that the County Board could follow.

8. County Executive report.
  - a. Budget Status Financial report for July 31, 2008.  
Approve.
9. Labor Negotiator Report. Receive and place on file.
10. Internal Auditor Report.
  - a. Budget Status Financial Report for July 31, 2008.
  - b. Other.  
Approve.
11. Resolution re: Requesting the Legislature Increase the Fee for Wisconsin Street Trade Permits and Minors' Work Permits (WI SS 103). (Referred from Administration Committee.) Approve. See Resolutions, Ordinances September County Board.
12. Resolution re: Change in Table of Organization Human Services (Delete a .4 FTE Community Treatment Program Worker position and add a .4 FTE Licensed Practical Nurse position). (Referred from Human Services Committee. (Referred from Human Services Committee.) Approve. See Resolutions, Ordinances September County Board.
13. Resolution re: Change in Table of Organization Human Services (Transfer Medical Transcriptionist position from Human Services Para-Professional bargaining unit to MHC 1901 bargaining unit). (Referred from Human Services Committee.) Approve. See Resolutions, Ordinances September County Board.
14. Resolution re: Authority to Execute a 2009-2010 Labor Agreement with the Brown County Electricians, Local 158. Approve. See Resolutions, Ordinances September County Board.
- #14a Service Agreement between Oneida Tribe of Indians of Wisconsin and Brown County. Approve.
- #14b Wisconsin Counties Association (WCA) 2008 Resolutions.  
*\*\* Please Note \*\* See attached listing of 2008 Resolutions for committee recommendations.*
  - a) Indefinitely postpone Resolution #5.
  - b) Not support Resolution #13. Ayes: 5 (Scray, Zima, Evans, Nicholson, Erickson); Nays: 1 (Lund).
  - c) Indefinitely postpone Resolution \$14.
  - d) Adopt Resolution #15. Ayes: 2 (Lund, Zima). Nays: 4 (Scray, Evans, Nicholson, Erickson).
  - e) Support the remaining actions of the WCA Resolution Committee.
- #14c Review and reconsider Fox Comm contract (enter into Closed Session at end of meeting). *\*\*Please Note\*\* Committee went into closed session. See item #15.*  
Withdraw from FoxComm.

15. **Closed Session:** For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to 19.85 (1)(e). In the alternative, the Executive committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82 (1) of the Wisconsin State Statutes, and also for the purpose of conferring with legal counsel for Brown County as to legal advice concerning strategy as to litigation pending pursuant to sec. 19.85 (1) (g) of the Wisconsin State Statutes.

*\*\*Please Note\*\* Closed Session taken out of order. See #14c.*

- f) Enter into closed session.
- g) Return to regular order of business.
- h) Action taken: See #14c.

Approved by:

---

COUNTY EXECUTIVE

Date

Word97\Reports\Exec\September17\_2008.doc

**PROCEEDINGS OF THE BROWN COUNTY  
EXECUTIVE COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Executive Committee** was held on Wednesday, September 10, 2008 at 6:00 p.m. in Room 200 of the Northern Building - 305 East Walnut Street, Green Bay, Wisconsin

---

**Present:** Mary Scray, Guy Zima, Tom Lund, Pat Evans, Bernie Erickson,  
John Vander Leest, Andy Nicholson

**Excused:**

**Also Present:** Supervisors Jack Krueger, Carole Andrews, Andy Williams, Mike Fleck, Norb Dantinne, & Bill Clancy. County Executive Hinz, Jayme Sellen, Sara Perrizo, Lynn Vanden Langenberg, Debbie Klarkowski, Fred Mohr, Don VanderKelen, Mark Schroeder, Chuck Lamine, Bob Heimann, Beth Rodgers, Other Interested Parties and News Media

---

I. CALL MEETING TO ORDER:

The meeting was called to order by Chair Mary Scray at 6:00 p.m.

II. APPROVE/MODIFY AGENDA:

Although shown in proper format, items were taken in order of #3, #9 & #6 after Comments From the Public/Such Other Matters as Authorized by Law.

**A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR LUND TO APPROVE AS MODIFIED. Vote taken. MOTION CARRIED UNANIMOUSLY.**

III. APPROVE/MODIFY MINUTES OF AUGUST 11, 2008:

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR ZIMA TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**COMMENTS FROM THE PUBLIC/SUCH OTHER MATTERS AS AUTHORIZED BY LAW.**  
None.

*Item #3 was taken at this time, although shown in proper format.*

**COMMUNICATIONS**

1. COMMUNICATION FROM SUPERVISOR STEVE FEWELL RE: TO REQUEST THAT THE PUTT-PUTT GOLF COURSE BE REMOVED FROM THE AREA IN FRONT OF THE VETERANS MEMORIAL AS IT BLOCKS THE VIEW OF THE VETERANS MEMORIAL. (REFERRED FROM AUGUST COUNTY BOARD.)

Supervisor Fewell stated he was unaware at that time that the memorial went up and feels there should have been better communication. Some of the proceeds from the mini golf course went to the veterans and he felt that if the vets had known that originally, they may not have had a problem with it.

Supervisor Vander Leest informed the committee that PMI had decided to take down the Putt-Putt mini golf course and the Education & Recreation Committee are

working with different veteran groups to develop a policy for the future use of that area.

**A MOTION WAS MADE BY SUPERVISOR VANDER LEESE AND SECONDED BY SUPERVISOR LUND TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

2. COMMUNICATION FROM SUPERVISOR STEVE FEWELL RE: REVIEW AND MAKE UPDATE TO THE BROWN COUNTY CODE 30.07 RELATING TO CHARGES FOR SHERIFF'S DEPARTMENT PATROL DIVISION. (REFERRED FROM AUGUST COUNTY BOARD.)

Supervisor Fewell provided a copy (attached) re: County Code 30.07 Charges for Sheriff's Department Patrol Division, and stated that in it is very clear, that any municipality with population over 5,000, under WI State Statute 61.65 that it is required to provide 24 hour police protection. The County code states that if the sheriff's department gets called for coverage, the sheriff shall charge the municipality. He asked the committee to support passing forward a directive that the county code be followed and those municipalities be charged. He would also like the 2007 charges be reviewed to determine how much revenue can be anticipated going into the 2009 budget year.

Attorney Fred Mohr stated the ordinance is quite clear, if a village or city has a population of more than 5,000, they must provide 24 hour police service. The statute says if they don't have their own department to do that they may contract with the sheriff's department and the sheriff shall charge for providing those services. Brown County had adopted that by ordinance. The only affected village in Brown County would be Hobart. Mohr stated they had never been charged. Sheriff Kocken had indicated that he feels with the pending lawsuit, that the County could use it as a negotiating point. Brown County will charge unless they settle the suit. Mohr's view is if the ordinance states they must charge, they must charge.

Supervisor Zima believes it shouldn't be a bargaining tool, it's the law and should be put into effect.

Supervisor Lund stated that there are other villages in Brown County that contract 24 hour police protection with the county and it costs quite a bit of money. He believes it is not fair that Hobart gets those services without having to pay the county.

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR LUND TO HAVE ADMINISTRATION DIRECT THE SHERIFF TO FOLLOW THE CODE OR HAVE CORPORATION COUNSEL BILL THEM FOR SERVICES PROVIDED AND HAVE IT DISCLOSED AS TO HOW MUCH MONEY THE COUNTY WOULD HAVE BEEN ABLE TO CHARGE TO DATE FOR 2008. Vote taken. MOTION CARRIED UNANIMOUSLY.**

3. DISCUSSION AND POSSIBLE ACTION ON EXTENSION FOR TWO YEARS OF LABOR NEGOTIATOR CONTRACT WITH DON VANDERKELEN FOR BROWN COUNTY:

Supervisor Lund stated that Labor Negotiator, Don Vanderkelen, is doing a fine job and believes it is a good idea to extend the contract.

Stating that, Supervisor Zima, believes he needs a stronger superlative than a "fine job", Vanderkelen digs into things that haven't been dug into for a long time and he's helping the county restructure and doing a fantastic job. It's with great pleasure to extend his contract.

Supervisor Erickson thanked Mr. Vanderkelen for his past performances and stated it's been an honor working with him.

**A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR LUND TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

*Item #9 was taken at this time, although shown in proper format.*

4. REVIEW OF PACKER LEASE AGREEMENT:

Supervisor Zima referred to the letter in the packet re: Packer Lease and stated matters this large in nature should not be handled at a meeting 45 minutes before the County Board meeting. In reviewing the video of the meeting there were statements made by Chairman Vander Leest of the Education and Recreation committee referring that some people wanted to have a consumer price index escalator put on but that they already had a three percent escalator. As Zima had spoken with the majority of the board members, he believed everyone was under the understanding that it was three percent per year compounded interest every year of the lease. After researching, it was realized that by adding the flat fee increase of \$6,500 annually, the county loses about \$664,000 if the lease is in effect for 30 years. Zima stated he had spoken with Executive Hinz and County Board Attorney, Fred Mohr, in regards to sending it back to the board. Zima felt at this time, the only thing they could do is ask the Green Bay Packers to voluntarily reopen the contract to discuss the money terms of the signed lease agreement for the Ray Nitschke Field project. He believed the Packers should show a good faith effort with the county because they did not correct what was being reported during the County Board meeting regarding the annual increases in the lease.

Supervisor Vander Leest stated looking back at the original lease in 2003, he felt it was a good deal based on the fact the county was getting another \$50,000 a year and there was an increase comparable to what was seen in the previous contract from \$5,000 to \$6,500 additional a year. He stated the discussion at the County Board floor was that it was going to be at a 3% increase each year and believes the county board needs input from the Packers organization on how they want to handle this matter and believes the Packers will work with the county.

Corporation Counsel, Mark Schroeder, stated he was brought into the last session between the county and the Packers and at that point there was already a draft agreement in place. He had changed the numbers as directed to do so by Supervisor Vander Leest and County Executive Hinz to reflect the \$200,000 amount in 2009 for the \$6,500 annual increase which is about 3.25% the first year but is not compounded. In Mr. Schroeder's opinion, he did not participate in the negotiation with the Packers because at the time he was brought in, he thought the numbers were fairly fixed and had been determined by the people at the previous meetings. Schroeder made the alterations to the draft agreement that he was given on Monday, two days before the special meeting was held. As far as whether the Packers are willing to discuss reopening the agreement, Schroeder stated, County Executive Hinz

made contact with the Packers on the issue but he was unaware if they had made a response to Mr. Hinz.

Supervisor Fewell believed the Packers should be open to discussing new terms because the land in Ashwaubenon where The Don Hutson Center and Clarke Hinkle Field was given to the Packers for a dollar a year. He felt that in a good faith effort the Packers would straighten this out.

Supervisor Evans stated he is in support of the motion and believed it was good work on Supervisor Zima's behalf to look matters up but wished the issue had come forward sooner. He believed the Packers negotiated in good faith and were content with the contract. Evans informed the committee that he had contacted the Packers Vice President of Administration, Jason Wied, and they had a conversation regarding the three percent increase. He was told the first time Mr. Wied heard about the three percent number was at the committee meeting when Supervisor Vander Leest brought it up. Evans felt the county board members were given the wrong information and may have to live with the signed agreement but he would appreciate it if the Packers would be willing to renegotiate.

Supervisor Krueger stated at no time during negotiations does he recall the Packers stating a three percent compounded interest. He felt the Packers were being very congenial and corporative but only recalls discussions of the increase of \$5,000 per year escalator to \$6,500 per year.

County Executive Hinz stated the lease was approved 23 to two on the County Board floor. The documents came to his office and if he were to agree with them, he would sign them. The agreement was signed on August 27<sup>th</sup> and for the County Board to reconsider this issue, they had till noon on Tuesday, September 2<sup>nd</sup>. Supervisor Zima had approached him regarding sending the issue back to the County Board, Hinz responded that he would look at it but by that time the contract had been signed. When the documents got to the committee and the County Board, everyone had the figures in front of them. If you are looking at starting at \$200,000 and you have compound interest, obviously after two years the figure would not be an even number. It would be odd figures because of the interest rate compounded. He felt the figures were very clear. The other issue that had not been talked about was the \$120,000 for the brand new parking lot. He felt this should have been taken into consideration. Hinz stated, they could go back and ask the Packers in good faith if they would reopen this but they sat at the table, it had gone rather fast and had looked like one of those rare win/win situations. Hinz stated that he had brought in Planning Director, Chuck Lamine, and he had shown right to the tenth the additional property they were dealing with. He believed it was a fast process but fairly well thought out.

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR LUND TO ASK THE COUNTY EXECUTIVE TO NAME A COMMITTEE INCLUDING SUPERVISOR ZIMA AND THREE OTHER BOARD MEMBERS TO APPROACH THE GREEN BAY PACKERS AT A MEETING AND SEE IF THEY WILL IN GOOD FAITH HONOR THE THREE PERCENT PER YEAR INCREASE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

5. REVIEW OF OUR COUNTY BOARD RULES RE: SPECIAL MEETINGS:

Supervisor Lund spoke in reference to the information located in the packet.

Supervisor Erickson believed the need arises for an emergency meeting and as Chairman of the Planning, Development and Transportation meeting he tried to hold those meetings at least a week in advance. He felt there seemed to be a lot of confusion on the county board floor but noticed that there weren't a lot of supervisors that attended those special meetings. When you don't attend those meetings you may not be properly informed or given time to evaluate the issue and he urged supervisors to attend these meetings or find out the information.

Attorney Mohr stated that Supervisor Zima had asked him to look at the procedures in regards to special meetings. Mohr felt that there wasn't anything wrong with the procedures, the problems had been that the rules aren't being followed. An agenda item needs to be put on the agenda or be in the County Board office a full week before any committee reviews the item. When a special meeting is called, you have to have the signatures in the County Clerks office 48 hours ahead of time. What Robert's Rule say is that a board or a committee of a board that doesn't follow it's own rules, if they take action, it is still valid. When you don't follow your procedural rules, someone needed to raise an objection. Any board member could have gone to one of the committee meetings and said you didn't give adequate notice and if they proceeded after that, they would be out of order. Mohr suggested speaking with the County Clerk and the County Board Secretary. He stated if there is ever a circumstance where the deadline is not met, they should be alerting the Board Attorney, the County Board Chair and the Vice Chair. Emergency and special meetings can only be held for certain reasons. The protection built into the ordinance is that there needs to be a two thirds vote to proceed on an item if it's a late item, even at a special meeting.

Supervisor Evans stated he would not be in support of having an extra county board meeting after a special meeting is held or changing the date of the county boards regularly scheduled meeting.

Supervisor Vander Leest believes special meetings should be held to a minimum and stated there are some items that need to be taken care administratively. He stated the one consideration he'd like to see is changing some of the rules in regards to the signatures. Vander Leest informed the committee that he was out of town the week of the Special Education and Recreation meeting and was unable to meet the 48 hour signature requirement and questioned for the future if they are able to fax or email a signature for that purpose. Discussions were held in regards to proper ways of forwarding on signatures for a special meeting and what is part of the statute.

Supervisor Zima suggested three considerations that he felt should be reviewed in the rules: 1) revisit putting back the decision to reconsider to a more reasonable time; 2) set a definition of what constitutes a major issue, what conditions need to be met to have a special meeting; and 3) look at the list of appropriate agenda item additions.

Supervisor Dantine stated he was concerned with items being placed on his desk right before a County Board meeting and felt they should be given more time to review issues.

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR NICHOLSON TO REFER TO ATTORNEY FRED MOHR TO REVIEW A TIME FOR RECONSIDERATION, WHAT DEFINES A MAJOR ISSUE**



**AND WHAT THE DUE DILIGENCE TIME SHOULD BE REQUIRED FOR A MAJOR ISSUE AND TO REVIEW WHAT CONSTITUTES AN EMERGENCY ADDITION TO THE AGENDAS. Vote taken. MOTION CARRIED UNANIMOUSLY.**

*Supervisor Vander Leest was excused at 8:04 p.m.*

6. COMMUNICATION FROM SUPERVISOR PAT EVANS: REQUEST REPRESENTATIVES FROM SELMER, BOLDT AND ADMINISTRATION (FACILITIES AND PURCHASING) AT THE MEETING. DISCUSSION ABOUT THE BIDDING PROCESS FOR A CONSTRUCTION MANAGER AT RISK AND WHAT ADMINISTRATION'S POSITION IS ON A CONSTRUCTION MANAGER AT RISK. RESPONSIBILITIES OF SELMER & BOLDT AS IT RELATES TO THEIR POSITION AS A CONSTRUCTION MANAGER AT RISK (FINANCIAL/BUDGET OF PROJECT, CONSTRUCTION AND TIME LINES.)

*Supervisor Vander Leest arrived at 6:12 p.m.*

*Supervisor Nicholson arrived at 6:17 p.m.*

Supervisor Evans stated that it was his understanding with the construction manager at risk that the County Board sets a limit on a budget of a project. \$3.6 million dollars was approved for the 911 Center and now they are asking for an additional \$1.369 million. He understood such things as materials going up in price, but was disheartened to see that some things were missed, such as the break room and security badges. He questioned Tom Tennesen, Selmer's senior project manager if the contract had now been signed.

Tennesen clarified there was a contract signed and it was signed with the intent of sending a Guaranteed Maximum Price (GMP) at a later date. He continued to explain the process and explained the GMP is established through an amendment that establishes the dollar amount and a schedule. Accordingly, there was a contract in place, but the GMP was not established.

Evans countered that a contract is nice but the County Board can set specific dollar amounts for the GMP and questioned if this was brought up in the initial contract. The Board sets a price to avoid cost overrides.

Tennesen responded they were brought on board to do the estimating services and make sure the project was within the budget and provided three different estimates. Within those estimates there was a low, medium and a high range and it was established that the project was going to come in over budget. Selmer addressed it with Brown County staff at the time. He feels the fact is they did show that it would come in over budget and that's why they did not sign a GMP in May of 2008, they knew along with all the issues with material escalation and everything else that it would not work out. As a group they established value engineering and proposed a lot of different options which were explained at the county board meeting. He believes they did work together trying to minimize the cost but maximize the operation.

Boldt Construction Project Managers, Todd Paider and Pat Loughrin were present. Paider stated there had also been a contract signed for the Mental Health Center and again the GMP amendment is looking to be signed on Monday. The targeted construction total is within the approved overall budget and they are maintaining the targeted price. Loughrin stated they understand the money set aside for this project

and are continuously working with the team, design team and the county to get the construction costs to a certain level. He believes they are at that point right now.

Evans is terrified there is a \$3.6 million dollar project that came back at a 45% increase. He is concerned with the integrity of the bidding process. Money is budgeted and set aside and he questioned if the bidding process is fair.

Tennessee responded that he felt the bidding process was fair. He explained that what the County purchased was services for the preconstruction and construction of the facility. He views the definition of bidding differently because the interview process and bidding, at that stage, is just for GMPs and not for the project. After the design projects are done, that is when it is out for bids. The estimate up front needs to be focused on in the future. A construction manager needs to be involved earlier to help establish those estimates.

Facility Management Director, Bill Dowell, Facility Management Engineer, Nate Curell and Purchasing Manager, Kurt Hogarty came forward.

Evans questioned why the GMP number wasn't signed back in April, May or June.

Dowell answered that when they started the process the Human Services Committee originally asked them to look into a design build process, which would establish the budget, if you design and build to the budget. There were some legal opinions that counties can not do design build but could do construction manager contracts. The Human Services Committee and Facility Management Department agreed that it would be a good process after doing the research. Dowell stated there are two types of construction managers: there is a construction manager agency and a construction manager at risk. The construction manager agency is an advisor, they support the county but the county holds the contracts and manages the sub-contracts. Construction Manager at risk actually manages the contracts. In the process for a construction manager at risk is to sign a contract with the county or whomever for a specified amount. There is variation in when they make that decision and is typically done after design and development. There are three phases to design. The earlier you do it in the process the more contingencies are required by the construction manager. The later you do it in the process, the contingency shrinks and allows exceptions to shrink. Part of the construction manager's responsibility is to review the project and give an estimate. This estimate is based on the best data available to develop a project budget. As the design process progresses, he updates the project budget consistently. For the first communication center budget, they saw there was a problem, they decided to work through the process, solve the problem and stay within budget.

Hogarty stated the bidding process is solid, the RFP is where there is in-depth reviews of proposals, there are interviews and there is a selection committee that goes through that process. When the committee comes with a recommendation for a contractor, they have done a lot of homework. As far as being able to disrupt that process, he doesn't feel that it's happening, it is very solid. The bidding process for the actual materials and things like that which help set the GMP, that process is clean. They advertise numerous places so when companies come back in they do receive a wide range of bids of material and then working with their construction managers and architects, they validate those bids to make sure they are qualified. If they are qualified, then they go with the lowest bidder. It's as fair as they can get, and they don't know what the bids are until they open them. Waiting for the GMP

until they get more hard information, it helps the project and they are getting more building than contingency.

Supervisor Erickson questioned who buys the material. Dowell responded that it is uniform and the county buys the materials for the tax savings but the construction manager schedules the project, and schedules the work and they provide the information to the county on when and what to buy. Erickson stated he is pleased with the MHC but is disappointed with the 911 communication center and stated they should have been made aware sooner.

Supervisor Krueger believed that it was Dowell's responsibility to come to the oversight committee and state if there may be a problem. He felt that when issues are brought up an hour before a meeting, you don't have a choice at that point but to vote to approve for more bonding.

Supervisor Lund concurred with Supervisor Krueger and believed this was an important project. If there were red flags three, four months ago, they should have been brought up to the committee. He believed there needs to be better communication from Administration to the County Board. He felt the Communication Center project was thrown together quickly and is not surprised that they are having troubles with it.

Supervisor Vander Leest believed there should be a update at each Human Services Committee from the project manager and make sure it's an agenda item each month.

County Executive Hinz stated there should be a clear understanding of what's going on and not putting blame on a certain person. There are two types of buildings, one is more conventional style. It's easier to use value engineering or have cut backs on the MHC than on the communication center. Additional costs for the communication center are not from the facilities end of the project but from the communications end of the project and believes the increase in costs are not Dowell's or his staff's fault.

Supervisor Evans interjected stating those costs should have been in the initial proposal and believes there should be some blame going around.

Supervisor Zima believed the only legitimate thing said is that as changes took place, the board should have been advised about it. He calculated a 29% increase with 20% strictly a result of the bidding process. Zima felt that Administration was relying on their materials to come down in cost to the original cost estimates. He felt the presentation before the committee on the county board floor was very confusing and stated they aren't questioning the bidding procedure. The County Board still had the choice to review things but assumed everyone agreed that the projects would be in jeopardy if they didn't move forward. The project is going to cost more, it will not be directly added to peoples tax bills this year, it means it will cost \$5 million over 20 years rather than \$3.6 million. The county is not in any debt jeopardy and he can not see one good reason why it can not be accepted and move on.

Chair Scray stated communication on this issue is vital and both the Public Safety committee and Human Services committee should have this on their committees as standing items. It's a given that once prices have gone up no one would be happy but the more they know, the better prepared they are and can make decisions on the quick if needed.

**A MOTION WAS MADE BY SUPERVISOR VANDER LEESE AND SECONDED BY SUPERVISOR LUND TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

*The committee went back to item #1 at this time.*

7. COMMUNICATION FROM SUPERVISOR CAROLE ANDREWS RE: COULD THE BOARD EXPLORE DIFFERENT PROCEDURAL FORMATS WHEN CONSIDERING NEW ORDINANCES TO ALLOW FOR GREATER PUBLIC INPUT. (FROM PREVIOUS MEETING FOR MORE INFORMATION.)

Chair Scray reiterated suggestions from last months meeting: 1) the county board office gets a feel for what topics are hot by the number of phone calls coming in and suggested having Executive Secretary, Nancy Anderson, contact the chair with the information and 2) have the chair or vice chair communicate with the board and indicate a public hearing may be needed or ask that the item be sent back to the committee for discussion to allow parties to give their input. Scray stated she will contact Information Services Director, Bob Heimann, and Ms Anderson

Supervisor Lund suggested adding to the new county board website a place for public communication so they can become more interactive. The agenda would be attached also a week in advance and the public could comment on agenda items on the site. That would give supervisors time to hear responses from the public before the meeting.

Supervisor Erickson felt that these matters have been handled properly and people are aware of what is going on.

Supervisor Zima agrees with Supervisor Andrews concerns and stated if she had some ideas that she would like to speak with Mr. Mohr about, he is welcome to it.

**A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR NICHOLSON TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

- #7a. DISCUSSION OF CORPORATION COUNSEL OFFICE NEED FOR STAFF AND/OR OUTSIDE LEGAL SERVICES AND THE FORMULATION OF POLICY REQUIRING ADMINISTRATION TO BUDGET AND GET APPROVAL OF EXECUTIVE COMMITTEE AND COUNTY BOARD FOR THE USE OF OUTSIDE LEGAL SERVICES.

Corporation Counsel, Mark Schroeder, stated the current table of organization for the Corporation Counsel office has a Corporation Counsel, two Assistant Corporation Counsels, a Staff Attorney for the Termination of Parental Rights (TPR) cases and three Staff Attorneys for child support cases.

The Child Support Enforcement Attorney positions are all filled, they are under contract with the child support department so they spend their work hours on child support enforcement only. There is currently one Assistant Corporation Counsel position filled which is dedicated towards children in need of protective services and these cases occupy all of their work hours. In the past there had been a Termination of Parental Rights Attorney in the office, this hadn't been true for several months or close to a year. When that position is filled, the TRP will occupy 80% of the time and

20% would be available for other duties such as civil cases. The Corporation Counsel and Assistant Corporation Counsel positions are to handle civil litigation, questions of department heads and the review of contracts and agreements.

The plan Mr. Schroeder had spoken about with Executive Hinz and a selection of board members was to replace the Assistant Corporation Counsel and TPR positions, and see how much of the current work that is being farmed out can be brought in. After a period of time they will see how much work had been successfully brought in and how much more is still being left out or how much can't be gotten to. They can then see if there is a significant amount that is of a nature that can be brought in and be handled in a fashion that is not going to hurt the County in a liability perspective.

Schroeder stated there are applications being received for the Assistant Corporation Counsel position and the TPR Staff Attorney position with a deadline of September 19<sup>th</sup> and at that point there will be discussion as to whether or not to interview and to make some hires. His objective was to bring as much work inside as possible and stated there will always be some work that has to be farmed out such as items that require a high degree of specialization, such as the Fox River litigation.

Schroeder informed the committee that he had handed in his resignation.

Supervisor Zima would like it stated for the record that his first impressions of Mr. Schroeder were very favorable, he was shocked to hear about his decision and he made his best efforts to convince him otherwise. Zima would like Mr. Schroeder to know that he thinks of him as a person of high integrity and wished for him to be on the team yet, but wished him well with everything. Zima believes the committee should know that Mr. Schroeder was offered more money before he took the job and he turned it down and that is the type of integrity Mr. Schroeder had. It is with deep regret that he had decided to move on but after talking with Mr. Schroeder he understands his personal desires are to go back to the work he had done before.

Supervisor Lund stated the County Board are the ones that sign the bills and they approve all the budgeting, so whatever policy Corporation Counsel has, the Board sets the policy and Administration carries it out. He suggested referring it to Mr. Mohr to come up with a policy because he knows more about the structure than the board members do. With his knowledge, Mr. Mohr could come up with a policy that can work with Administration and keep costs down in that area.

Executive Hinz responded that it should be defined that the County Board and Executive Committee can state what is the policy but that Administration then makes the determination of how it is done.

Supervisor Evans agrees with the motion, Mr. Mohr can write his dissertation, submit it to the Executive.

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR NICHOLSON TO REFER TO ATTORNEY MOHR TO GET A POLICY THAT THE COUNTY BOARD COULD FOLLOW. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**REPORTS**

8. **COUNTY EXECUTIVE REPORT.**

a. **BUDGET STATUS FINANCIAL REPORT FOR JULY 31, 2008.**

Executive Hinz stated that last year they had made roughly \$11,000 from the County Golf Outing. This year there were more people on the planning committee, there were a lot more activities and today, they were presented with a check for \$30,000. This money will be put towards unfunded children's programs in the Human Services. Hinz believed the program was very successful and they can build on for next year.

Hinz reported, the Executive budget is intact.

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR EVANS TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

9. **LABOR NEGOTIATOR REPORT:**

Vanderkelen informed the committee that there are different committees of the County Board asking for various things and they will all be put together in a unified report and brought back before budget time. Vanderkelen spoke in regards to four items: 1) Supervisor Nicholson is heading his committee of force reduction in which Vanderkelen, Human Resource Manager, Debbie Klarkowski, and Administration Director, Vanden Langenberg, are working on; 2) They are currently working on the Class and Compensation Program by going into a doctrine of measuring by productivity. This will start by asking the County Board that it be done, and how well it is done. If they obtain those goals they will be able to relate the pay and work into all the factors of related pay and the community that the law requires; 3) Internet use analysis is underway and he will have a report on that at the next meeting; 4) In the highway department, the Planning, Development and Transportation committee had asked to have a study of staffing, supervision and general table of organization and the Human Resources Department will handle it since it involves labor contracts.

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR ERICKSON TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

*Item #6 was taken at this time, although shown in proper format.*

10. **INTERNAL AUDITOR REPORT.**

a. **BUDGET STATUS FINANCIAL REPORT FOR JULY 31, 2008:**

Internal Auditor, Sara Perrizo, stated Chair Scray had requested an amount for the cost of dues. \$18,658 was paid out in 2008 for WCA and \$4,587 for NACO.

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR NICHOLSON TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

b. OTHER:

Perrizo gave a brief update regarding the Mental Health Center (MHC). The MHC had sent two policies to Administration for Director, Lynn Vanden Langenberg, to review and approve. The policies come to Ms Perrizo, she makes comments and forwards them on to Ms Vanden Langenberg.

On Monday, Ms Perrizo will be doing an audit of the golf course. There had been some concerns raised about some of the operations out there so she will be out there to check it out.

There had been a stall on the four day work week project. Perrizo is waiting for numbers from Facility Management Director, Bill Dowell.

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR NICHOLSON TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**RESOLUTIONS, ORDINANCES**

11. RESOLUTION RE: REQUESTING THE LEGISLATURE INCREASE THE FEE FOR WISCONSIN STREET TRADE PERMITS AND MINORS' WORK PERMITS (WI SS 103). (REFERRED FROM ADMINISTRATION COMMITTEE.)

**A MOTION WAS MADE BY SUPERVISOR NICHOLSON AND SECONDED BY SUPERVISOR ERICKSON TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

12. RESOLUTION RE: CHANGE IN TABLE OF ORGANIZATION HUMAN SERVICES (DELETE A .4 FTE COMMUNITY TREATMENT PROGRAM WORKER POSITION AND ADD A .4 FTE LICENSED PRACTICAL NURSE POSITION). (REFERRED FROM HUMAN SERVICES COMMITTEE. (REFERRED FROM HUMAN SERVICES COMMITTEE.)

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR NICHOLSON TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

13. RESOLUTION RE: CHANGE IN TABLE OF ORGANIZATION HUMAN SERVICES (TRANSFER MEDICALTRANSCRIPTIONIST POSITION FROM HUMAN SERVICES PARA-PROFESSIONAL BARGAINING UNIT TO MHC 1901 BARGAINING UNIT). (REFERRED FROM HUMAN SERVICES COMMITTEE.)

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR NICHOLSON TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

14. RESOLUTION RE: AUTHORITY TO EXECUTE A 2009-2010 LABOR AGREEMENT WITH THE BROWN COUNTY ELECTRICIANS, LOCAL 158.

**A MOTION WAS MADE BY SUPERVISOR ERICKSON AND SECONDED BY SUPERVISOR EVANS TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

#14a. SERVICE AGREEMENT BETWEEN ONEIDA TRIBE OF INDIANS OF WISCONSIN AND BROWN COUNTY.

**A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR LUND TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

#14b. WISCONSIN COUNTIES ASSOCIATION (WCA) 2008 RESOLUTIONS

Legislative Assistant, Jayme Sellen, provided a handout (attached) re: 2008 Resolutions.

**A MOTION WAS MADE BY SUPERVISOR SCRAY AND SECONDED BY SUPERVISOR LUND TO INDEFINATELY POSTPONE RESOLUTION #5. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**A MOTION WAS MADE BY SUPERVISOR SCRAY AND SECONDED BY SUPERVISOR ZIMA TO NOT SUPPORT RESOLUTION #13. Vote taken. Ayes: 5 (SCRAY, ZIMA, EVANS, NICHOLSON, ERICKSON) Nays: 1 (LUND) MOTION CARRIED.**

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR ERICKSON TO INDEFINATELY POSTPONE RESOLUTION #14. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR ZIMA ADOPT RESOLUTION #15. Vote taken. Ayes: 2 (LUND, ZIMA); Nays: 4 (SCRAY, EVANS, NICHOLSON, ERICKSON). MOTION CARRIED.**

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR ERICKSON TO SUPPORT THE REMAINING ACTIONS OF THE WCA RESOLUTIONS COMMITTEE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

#14c. REVIEW AND RECONSIDER FOX COMM CONTRACT (ENTER INTO CLOSED SESSION AT END OF MEETING).

**A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR ERICKSON TO ENTER INTO CLOSED SESSION. ROLL CALL: EVANS, ERICKSON, SCRAY, ZIMA, NICHOLSON, LUND. MOTION CARRIED UNANIMOUSLY.**

*Recording Secretary excused at 9:14 p.m.*

**A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR ERICKSON TO RETURN TO REGULAR ORDER OF BUSINESS. ROLL CALL: EVANS, ERICKSON, SCRAY, ZIMA, NICHOLSON, LUND. MOTION CARRIED UNANIMOUSLY.**



**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR ERICKSON TO WITHDRAW FROM FOX COMM. Vote taken. MOTION CARRIED UNANIMOUSLY.**

15. **CLOSED SESSION: FOR THE PURPOSE OF DELIBERATING WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION PURSUANT TO 19.85 (1)(E). IN THE ALTERNATIVE, THE EXECUTIVE COMMITTEE IS MEETING FOR THE PURPOSE OF COLLECTIVE BARGAINING AND IS NOT SUBJECT TO THE WISCONSIN OPEN MEETINGS LAW PURSUANT TO 19.82 (1) OF THE WISCONSIN STATE STATUTES, AND ALSO FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL FOR BROWN COUNTY AS TO LEGAL ADVICE CONCERNING STRATEGY AS TO LITIGATION PENDING PURSUANT TO SEC. 19.85 (1) (G) OF THE WISCONSIN STATE STATUTES.**  
Entered into Closed Session. See #14c
16. **SUCH OTHER MATTERS AS AUTHORIZED BY LAW:** None.

**Motion made by Supervisor Evans and seconded by Supervisor Lund to adjourn at 9:50 p.m. Vote taken. MOTION APPROVED UNANIMOUSLY**

Respectfully submitted,

Alicia Loehlein  
Recording Secretary

**30.07 CHARGES FOR SHERIFF'S DEPARTMENT PATROL DIVISION.** (1) Any municipality mandated by §61.65, Wis. Stats., or its successor statute, to provide police protection services shall be charged for services of the Sheriff's Department Patrol Division as further specified herein.

(2) The municipality shall be billed for services rendered by the Sheriff's Department Patrol Division if the Sheriff's Department Patrol Division is the primary responder to a call within the municipality requiring a response by a patrol officer.

(3) This ordinance shall not apply to requests from the primary responder of the municipality for assistance or back-up support when the primary responder from the municipality is already on duty.

(4) The municipality shall be billed on a per unit per hour basis with a minimum billing of two hours per unit commencing at time of dispatch. A unit shall be defined as one deputy and a patrol car. Any charges after the two-hour minimum per unit charge shall be rounded to the nearest hour with anything under one-half hour rounded down and anything over one-half hour rounded up to the nearest hour.

(5) Based on current direct and indirect costs, the charge for fiscal year 2007 shall be \$55.00 per hour per Patrol Officer and \$60.00 per hour per Patrol Sergeant. This rate shall be reviewed annually by the Administration Department and the Public Safety Committee, using data calculated by the Sheriff's Department, shall adjust the rate to reflect current actual direct and indirect costs.

(6) In determining the annual rate to be billed, the Sheriff's Department and Public Safety Committee shall take into account factors which establish actual costs including but not limited to:

(a) Total budgeted wages and fringe benefits for patrol deputies.

(b) Pro rated patrol division supervisory personnel wages and benefits.

(c) Pro rated Sheriff's Department administrative costs.

(d) Pro rated patrol vehicle operating costs.

(e) Pro rated patrol vehicle depreciative costs.

(f) Indirect costs defined as a percentage of direct costs set annually based on current cost allocation plan. Indirect costs include costs of support service to the Sheriff's Department from other County departments.

(7) The Sheriff's Department shall establish all applicable billing procedures on a per month basis. All payments shall be due within 30 days of receipt of billing to the municipality. The Sheriff's Department shall establish internal operational policies and procedures to implement this ordinance.

**Action by the WCA  
Resolutions Committee**

<b>Resolution Number</b>	<b>County</b>	<b>Subject of Resolution</b>	<b>Action by the WCA Resolutions Committee</b>
1 & 2	Eau Claire	Oppose a reduction in the number of counties without a study of the fiscal and service implications.	Adopt
3	Outagamie	Oppose legislation altering the proper method of title correction.	Adopt
4	Outagamie	Requiring applicants for marriage licenses to have a certified copy of their birth certificate.	Indefinitely postpone
5	Outagamie	Oppose legislation requiring the election of technical college district boards (support the current system of appointment by county boards).	Adopt
6	Outagamie	Oppose any increase in vital records fees- any increase should be dedicated for development of a statewide database.	Indefinitely postpone
7	Outagamie	Oppose any increase in the Real Estate Transfer Fee and any changes to the formula.	Indefinitely postpone
8 & 9	WCA La Crosse	Support the implementation of medication collection and disposal programs that meet local, state and federal regulations for environmentally sound means for disposal of collected medications; Encourage the state to promote and fund collection programs.	Adopt
10	Eau Claire	Urge the DNR to recommend Wisconsin reduce mercury emissions from coal-fired power plants by 90% by 2012.	Adopt as amended
11	St. Croix	Urging a ban of feeding deer.	Refer to the Board of Directors
12	Walworth	Support the state paying 50% of the cost of care and services provided to mentally ill individuals in inpatient facilities.	Adopt
13	WCA	Support revisions to require lead hazard investigation and intervention when a child has a blood lead level of 10 micrograms per deciliter or more; support an additional \$1 million statewide to local public health departments to cover the costs of increased investigations.	Adopt
14	Eau Claire	Support elements of the Healthy Wisconsin plan and encourage continued efforts to assure all Wisconsin residents are able to get health services.	Adopt as amended
15	La Crosse	Support increase in the alcohol tax to be used to offset alcohol-related health and law enforcement expenses.	Adopt
16	Outagamie	Oppose the escalating cost of public safety and corrections (repeal of truth in sentencing).	Refer to the Board of Directors

17	Outagamie	Support legislation that allows law enforcement officers to access driver's license/state ID card photos via computer.	Adopt
18	Outagamie	Support restricted access to CCAP available on the internet.	Indefinitely postpone
19	Outagamie	Support legislation which would allow "Failure to stop for a school bus" citation to be mailed to the vehicle owner's last known address.	Adopt
20 & 21	St. Croix Columbia	Support legislation to maintain the Wireless E911 surcharge as a funding source to provide and maintain the wireless enhanced 911 system.	Adopt
22	Fond du Lac	Support the pass-through of Homeland Security-Public Safety Interoperable Communications grants to local governments.	Adopt
23	Walworth	Support legislation that 1. designates health care facilities as state agents of DHFS 2. Give counties authority to declare emergencies in their jurisdiction 3. Make the State Interoperability Executive Council a statutory council attached to DOA.	Adopt
24	Eau Claire	Support legislation to grant statutory powers and duties related to mass transit plans and facilities.	Refer to the Board of Directors

#### Resolutions Reaffirming Current Positions

25	Walworth	Support requiring ocean going ships to treat ballast water to end aquatic invasive species in the Great Lakes.	Adopt
26, 27 & 28	Outagamie Walworth St. Croix	Support the return of all federal funds received from the certified public expenditure program to county nursing homes.	Adopt
29	La Crosse	Support legislation that provides funding to counties to carry out the duties of local health departments for communicable disease prevention and control programs that are mandated.	Adopt
30	Eau Claire	Support increases in beer and alcohol taxes for the development of a statewide comprehensive alcohol control programs.	Adopt
31	Outagamie	Support alternatives to incarceration for individuals suffering from alcohol and drug addictions, as well as mental illness.	Adopt
32	Outagamie	Support legislation to allow law enforcement agencies to recover costs involved in the arrest, apprehension, investigation and prosecution for operating under the influence.	Adopt

33	Outagamie	Support legislation that provides judges with the authority to place second and third time drunken driving offenders on probation to receive treatment.	Adopt
34	Eau Claire	Support full state funding of the cost of keeping state prisoners in county jails, including medical costs.	Adopt
35	Eau Claire	Support state payment of all the costs of the state court system including public defenders.	Adopt
36	Columbia	Support segregated transportation fees staying with DOT and recouping SEG transportation fees which fund other programs.	Adopt